

**STATE OF ILLINOIS**  
**LEGISLATIVE INFORMATION SYSTEM**  
**94th GENERAL ASSEMBLY**

**DAILY**

**Synopsis of Legislation**

**Legislation Passed Both Houses with Last Action**

*For day of May 12, 2005*

**94th General Assembly**  
**Synopsis of Legislation Passed Both Houses**  
**For day of May 12, 2005**

**HB 01370** Rep. Larry McKeon-Charles E. Jefferson-Brandon W. Phelps-Cynthia Soto-William Davis, Deborah L. Graham, Mike Boland, Angelo Saviano, Donald L. Moffitt, Michael P. McAuliffe, Patrick J Verschoore, Jack McGuire, Lou Lang, Jack D. Franks and Linda Chapa LaVia  
 (Sen. Gary Forby and Rickey R. Hendon-James F. Clayborne, Jr.-Edward D. Maloney-Jacqueline Y. Collins)

820 ILCS 130/6 from Ch. 48, par. 39s-6

820 ILCS 130/11 from Ch. 48, par. 39s-11

820 ILCS 130/11a from Ch. 48, par. 39s-11a

820 ILCS 130/11b

Amends the Prevailing Wage Act. Provides that specified violations of the Act are Class A (rather than Class B) misdemeanors. Provides that a contractor or subcontractor who pays a worker less than the stipulated rates for work performed under a contract is liable to the Department of Labor for 50% (rather than 20%) of the underpayment and is liable to the worker for punitive damages in the amount of 5% (rather than 2%) of the amount of the penalty to the State for each month following the date of payment during which the underpayment remains unpaid. Provides that the list of contractors or subcontractors found to have disregarded their obligations to employees under the Act shall include contractors or subcontractors who, on 2 separate occasions within 5 years (rather than on 2 separate occasions, without regard to a time period), have been determined to have violated the Act. Provides that no contract may be awarded to a contractor or subcontractor appearing on the list, or to an entity in which the contractor or subcontractor has an interest, until 5 (rather than 2) years have elapsed from the date of publication of the list. Provides that a party violating provisions protecting whistle blowers is liable to the Department of Labor for a penalty of \$5,000 for each violation.

Judicial Note (Admin Office of the Illinois Courts)

Based on a review of House Bill 1370 it has been determined that the legislation would neither increase nor decrease the number of judges needed in the State.

Fiscal Note (Department of Labor)

House Bill 1370 will not have a fiscal impact on the Department of Labor.

Correctional Note (Department of Corrections)

Corrections Population Impact: None; Fiscal Impact: None.

House Amendment No. 1

Deletes language that increased the penalty and punitive damages for all underpayments. Adds language increasing the penalty and punitive damages for underpayments in the case of a second or subsequent action to recover underpayments against a contractor or subcontractor. Provides that no contract may be awarded to a contractor or subcontractor appearing on the list of contractors or subcontractors found to have disregarded their obligations to employees under the Act, or to an entity in which the contractor or subcontractor has an interest, until 4 (rather than 5 in the introduced bill) years have elapsed from the date of publication of the list.

Fiscal Note (H-AM 1)(Illinois Department of Labor)

Administration of the Act would not have a fiscal impact to implement.

May 12 05 H Passed Both Houses

**HB 01383** Rep. Rich Brauer  
 (Sen. Larry K. Bomke)

40 ILCS 5/14-130 from Ch. 108 1/2, par. 14-130

Amends the State Employee Article of the Illinois Pension Code. Provides that, instead of repaying the entire amount of a refund, a member may repay a portion of the refund and receive credit for the portion of the refund that was repaid. Effective immediately.

May 12 05 H Passed Both Houses

**HB 01386** Rep. Jay C. Hoffman-William B. Black-Patrick J Verschoore  
 (Sen. John M. Sullivan)

625 ILCS 5/15-307 from Ch. 95 1/2, par. 15-307

Amends the Illinois Vehicle Code. Sets fees of \$250 quarterly and \$1,000 annually for special permits for continuous limited operation of trucks that exceed wheel and axle load limits. Provides that all single axles, excluding the steer axle, and axles within a tandem are limited to 24,000 pounds or less, unless otherwise noted in the new language. Provides that the permits allow loads up to 12 feet wide and 110 feet in length. Provides that front tag axle and double tandem trailers are not eligible for the permits.

May 12 05 H Passed Both Houses

**94th General Assembly**  
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**HB 01391** Rep. Daniel J. Burke-Angelo Saviano-William B. Black  
 (Sen. Terry Link-Dan Rutherford)

765 ILCS 1025/3a new

765 ILCS 1025/11 from Ch. 141, par. 111

765 ILCS 1025/12 from Ch. 141, par. 112

30 ILCS 105/5.640 new

30 ILCS 105/8h

30 ILCS 105/8j

Amends the Uniform Disposition of Unclaimed Property Act. Provides that funds and stock distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company shall be deemed abandoned in the listed time frames. Provides that funds and stock deemed abandoned in the course of a demutualization, rehabilitation, or related reorganization of an insurance company shall be held in the Demutualization Trust Fund. Provides that the State Treasurer shall set a date that the required report and remittance of the funds and stock deemed abandoned in the course of a demutualization, rehabilitation, or related reorganization of an insurance company shall be filed. Provides that the names of owners that are identified and contacted directly by the State Treasurer do not have to be published as required under the notice requirements. Amends the State Finance Act. Creates the Demutualization Trust Fund. Exempts the Demutualization Trust Fund from transfers to the General Revenue Fund. Effective immediately.

House Amendment No. 1

Provides that the date that the report must be filed shall be the later of (i) 30 days after the effective date of the amendatory Act of the 94th General Assembly, or (ii) November 1, 2005.

May 12 05 H Passed Both Houses

**HB 01395** Rep. Angelo Saviano-Michael P. McAuliffe  
 (Sen. Don Harmon and Dan Cronin)

5 ILCS 220/3.6 from Ch. 127, par. 743.6

Amends the Intergovernmental Cooperation Act. Permits a special district that is coterminous with or entirely within the boundaries of a township to merge into the township (now, permitted only in counties with less than 1,000,000 population).

May 12 05 H Passed Both Houses

**HB 01402** Rep. Michael K. Smith-Aaron Schock and Karen A. Yarbrough  
 (Sen. Mike Jacobs-Martin A. Sandoval)

50 ILCS 745/2 from Ch. 85, par. 2502

50 ILCS 745/3.2 from Ch. 85, par. 2505

Amends the Firemen's Disciplinary Act. With respect to certain periods of suspension, changes references to "24 duty hours" (now, "72 hours"). Effective immediately.

May 12 05 H Passed Both Houses

**HB 01406** Rep. Milton Patterson-Julie Hamos-William Davis-Mary E. Flowers-Constance A. Howard, William B. Black, Annazette Collins, William Delgado, Patricia R. Bellock, Robert S. Molaro, Patricia Bailey, John E. Bradley, Shane Cultra, Lovana Jones, Frank J. Mautino, David Reis, Jim Sacia, Arthur L. Turner, Wyvetter H. Younge and Cynthia Soto  
 (Sen. Jacqueline Y. Collins)

305 ILCS 5/12-13.05

Amends the Illinois Public Aid Code. In provisions concerning rules regulating the Temporary Assistance for Needy Families (TANF) program, eliminates provisions (i) repealing all rules regulating that program on July 1, 2006 and (ii) prohibiting the adoption of rules regulating that program after that date.

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**94th General Assembly**  
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**For day of May 12, 2005**

**HB 01411** Rep. Jay C. Hoffman-Thomas Holbrook-Jim Watson  
(Sen. James F. Clayborne, Jr., Antonio Munoz and Larry K. Bomke)

625 ILCS 5/1-100 from Ch. 95 1/2, par. 1-100

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning the short title.

House Amendment No. 1

Deletes reference to:

625 ILCS 5/1-100

Adds reference to:

625 ILCS 5/18b-106.2 new

Deletes everything after the enacting clause. Amends the Illinois Vehicle Code. Provides that the Department of Transportation shall declare that an emergency exists under federal regulations if a utility service provider informs the Department of a utility service interruption emergency. Provides that the Department may refuse to grant emergency declarations for a utility found to have abused the notification procedure. Provides that a person is exempt from any regulation of the maximum hours of service that an employee may work under federal regulations if he or she (i) is the holder of a commercial driver's license, (ii) is an employee, in an employment capacity in which the commercial driver's license is used, of a utility service provider or of a contractor or subcontractor of a utility service provider, and (iii) operates a commercial motor vehicle as a utility service vehicle and engages in intrastate maintenance or repair work in response to a utility service interruption emergency. Provides that the exemption from maximum hours of service regulations provided under the provisions shall not exceed the duration of the utility service provider's or driver's direct assistance in providing utility service interruption emergency relief, or 5 days from the date of the initial declaration, whichever is less. Provides that nothing in the new provisions shall be construed to contravene any federal law or to jeopardize State of Illinois entitlement to federal funding. Contains severability provisions. Effective immediately.

May 12 05 H Passed Both Houses

**94th General Assembly**  
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**HB 01428** Rep. Karen A. Yarbrough-Paul D. Froehlich-Constance A. Howard-Marlow H. Colvin-Milton Patterson and Cynthia Soto  
 (Sen. Iris Y. Martinez-Jacqueline Y. Collins)

35 ILCS 200/20-26 new

Amends the Property Tax Code. Provides that when any mortgagee pays the taxes charged on any property, the mortgagee, within 7 business days of the payment, must notify the mortgagor of the property, by certified mail, of (1) the date the taxes were paid, (2) the amount of taxes paid, and (3) which installment was paid. Effective immediately.

House Amendment No. 1

Deletes the requirement that the notice of the payment of property taxes by a mortgagee be made by certified mail.

House Amendment No. 3

Deletes reference to:

35 ILCS 200/20-26 new

Adds reference to:

765 ILCS 910/2

from Ch. 17, par. 4902

Adds reference to:

765 ILCS 910/4

from Ch. 17, par. 4904

Adds reference to:

765 ILCS 910/15 new

Deletes everything. Amends the Mortgage Escrow Account Act. Provides that the definition of "mortgage lender" includes savings banks, credit unions, mortgage bankers, and entities that service mortgage loans, and deletes a provision that "mortgage lender" includes building and loan associations. Requires that, when any mortgage lender pays the property tax from an escrow account, the mortgage lender must give the borrower written notice within 45 business days after the tax payment. Sets forth requirements for the notice. Effective immediately.

House Amendment No. 4

Deletes the provision that the notice of a tax payment must set forth the installment that was paid. Deletes the immediate effective date provision.

State Mandates Fiscal Note (H-AM 3)(Dept. of Commerce and Economic Opportunity)

In the opinion of DCEO, HB 1428 (H-AM 3) does not create a State mandates under the State Mandates Act.

Fiscal Note (H-AM 3)(Department of Revenue)

House Bill 1428 (H-AM 3) does not have a fiscal impact on the Illinois Department of Revenue.

May 12 05 H Passed Both Houses

**HB 01430** Rep. JoAnn D. Osmond-Constance A. Howard-Mark H. Beaubien, Jr.-Ed Sullivan, Jr.-Ruth Munson and Karen May  
 (Sen. William E. Peterson-Jacqueline Y. Collins and Pamela J. Althoff)

210 ILCS 45/3-610 from Ch. 111 1/2, par. 4153-610

Amends the Nursing Home Care Act. Provides that a nursing home employee or agent who becomes aware of another employee or agent's theft or misappropriation of a resident's property must immediately report the matter to the facility administrator. Provides that a facility administrator who becomes aware of a nursing home employee or agent's theft or misappropriation of a resident's property must immediately report the matter by telephone and in writing to the resident's representative, to the Department of Public Health, and to the local law enforcement agency. Prohibits retaliation against a nursing home employee or agent who reports the theft or misappropriation of a resident's property.

House Amendment No. 1

Adds reference to:

210 ILCS 45/1-116.5 new

Further amends the Nursing Home Care Act. Defines "misappropriation of a resident's property" as the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a resident's belongings or money without the resident's consent.

May 12 05 H Passed Both Houses

**94th General Assembly**  
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**HB 01432** Rep. Tom Cross-Sidney H. Mathias-Roger Jenisch-Sandra M. Pihos-Patricia R. Bellock, John J. Millner and James H. Meyer  
(Sen. Kirk W. Dillard-Martin A. Sandoval-Edward D. Maloney)

720 ILCS 5/12-2 from Ch. 38, par. 12-2

720 ILCS 5/12-4 from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that aggravated assault or aggravated battery also occurs when the individual assaulted or battered or the person committing the assault or battery is in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in the venue.

May 12 05 H Passed Both Houses

**HB 01434** Rep. Milton Patterson-Patricia Bailey-William Davis-Mary E. Flowers-Karen A. Yarbrough, Careen M Gordon, Cynthia Soto, Deborah L. Graham, Jack D. Franks, Linda Chapa LaVia, Wyvetter H. Younge and Arthur L. Turner  
(Sen. Iris Y. Martinez-Jacqueline Y. Collins, Martin A. Sandoval and Pamela J. Althoff)

720 ILCS 5/15-10 new

720 ILCS 5/16-1 from Ch. 38, par. 16-1

Amends the Criminal Code of 1961. For the purposes of property offenses, defines "governmental property" as funds or other property owned by the State, a unit of local government, or a school district. Provides for enhanced penalties for theft of governmental property. Establishes the same penalties for this offense as the penalties for theft committed in a school or place of worship.

Correctional Note (Dept of Corrections)

The total impact of House Bill 1434 would result in an increase of 41 inmates, with additional operating costs of \$8,183,700 and construction costs of \$2,378,400 over ten years.

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